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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,461	01/22/2004	Marvin R. Blumberg	P60530US6	4014
136 7590 12/10/2007 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			EXAMINER PAULA, CESAR B	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 12/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/761,461

Applicant(s)

BLUMBERG, MARVIN R.

Examiner

CESAR B. PAULA

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54-67 and 69-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 58, 61-64 and 69-78 is/are allowed.
- 6) ☒ Claim(s) 56-57, 59-60, and, 65-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the AF amendment filed on 11/20/2007.

This action is made Non-Final.

2. In the amendment, claim 68 has been canceled. Claims 54-67, and 69-78 are pending in the case. Claims 54, 58, and 69-78 are independent claims.

3. The rejections of claims 54, 56-57, 60, and 68 rejected under 35 U.S.C. 102(b) as being anticipated by Blumberg (Pat.# 5,664,896, 9/9/1997), have been withdrawn as necessitated by the amendment.

4. The rejections of claims 55, 59, and 65-67 rejected under 35 U.S.C. 103(a) as being unpatentable over Blumberg, have been withdrawn as necessitated by the amendment.

Priority

5. Acknowledgment is made of applicant's claim for domestic priority under 35 U.S.C. 120, and 119(e), and based on U.S provisional application # 60/117,246, CIP of 09/912,509(Pat.6,799,303), and PCT/US00/01890 filed on 1/26/1999, 7/26/2001, 1/26/2000, which papers have been placed of record in the file.

Drawings

6. The drawings filed on 1/22/2004 have been accepted by the Examiner.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 64, and 66 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims recite letter input elements only containing the letters “R, and Q”, and “R and U” respectively. The Examiner was unable to find an adequate written description of these limitations in the specification

9. Claims 64, and 66 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims recite letter input elements only containing the letters “R, and Q”, and “R and U” respectively. The

Examiner was unable to find an adequate written description of these limitations in the specification, which allows one of ordinary skill in the art to make and use these limitations.

Double Patenting

10. The rejection of claims 54-57, and 59-60 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,799,303, hereinafter 303, in view of Blumberg (Pat.# 5,664,896, 9/9/1997), hereinafter 896, have been withdrawn as necessitated by the terminal disclaimer approved on 3/20/2007.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 56-57, 59-60, and, 65-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumberg (Pat.# 5,664,896, 9/9/1997), in view of Gutowitz (USPat.# 6885317 B1, 4/26/2005, provisional filed on 12/10/1998).

Regarding independent claim 54, Blumberg discloses associating several letters with each key in a keyboard, having 14 keys, for entering desired letters for high speed entry of text. Words which match the sequence of letter keystrokes are presented to the user-- *A method for entering*

letters of an alphabet using a computer having a display device, memory storage and a keyboard having at least thirteen operator-selectable letter input elements, the method comprising assigning more than one letter to at least one letter input element of the keyboard with a majority of the letter elements having only two letters assigned each letter input element such that more than one series of letters results from a single selected letter input element, storing a plurality of words in the memory storage, and displaying on the display device for each entered letter input element, a series of letters that form at least one valid combination, said at least one valid combination being determined from said plurality of stored words the memory storage for a same number of the letter input elements thus far selected-- (col.13, lines 4-20, 50-col.14, line 54, and fig.9). Blumberg fails to explicitly disclose: *assigning more than one letter to at least one letter input element of the keyboard with at least half of the at least thirteen operator selectable letter input elements*. However, Gutowitz discloses a keyboard with at least half of the keys having two letters assigned to them (col. 22, lines 7-30, fig.15). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Blumberg, and Gutowitz, because of all the reasons found in Gutowitz, including the optimization of keyboard design, minimization of error rates, reducing typing injuries, etc (col. 2, lines 5-67).

Regarding claim 55, which depends on claim 54, Blumberg discloses inputting text with keys that are assigned the letters "P, U", and "R" (col.13, lines 4-20, 50-col.14, line 54, fig.9-10). Blumberg fails to explicitly disclose: *one of the letter input elements includes the letter A and B, one of the input elements includes the letters E and F, and one of the letter input elements includes the letters T and U*. However, Gutowitz discloses a keyboard with keys having the

letters a, and b, e, and f, and t, and u together (col. 22, lines 7-30, fig.19). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Blumberg, and Gutowitz, because of all the reasons found in Gutowitz, including the optimization of keyboard design, minimization of error rates, reducing typing injuries, etc (col. 2, lines 5-67).

Regarding claim 56, which depends on claim 53, Blumberg discloses a key that is assigned the letters "J", "K", and "Q" (fig.9-10).

Regarding claim 57, which depends on claim 53, Blumberg discloses a key that is assigned the letters "V" through "Z", etc (fig.9-10).

Regarding claim 59, which depends on claim 54, Blumberg discloses inputting text with keys that are assigned the letters "P, U", and "R" (col.13, lines 4-20, 50-col.14, line 54, fig.9-10). Blumberg fails to explicitly disclose: *two of the letter input elements include a letter selected from the group of G and H and a letter selected from the group of letters G and group of letters I and O*. However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have provided such keys, because Blumberg teaches including vowels and consonants into one key so that fewer words have the incidence of the same code (col. 5, lines 25-40).

Regarding claim 60, which depends on claim 53, Blumberg discloses inputting text with keys that are assigned the letters “P, U”, and “R” (col.13, lines 4-20, 50-col.14, line 54, fig.9-10).

Regarding claim 65, which depends on claim 54, Blumberg discloses inputting text with keys that are assigned the letters “P, U”, and “R” (col.13, lines 4-20, 50-col.14, line 54, fig.9-10). Blumberg fails to explicitly disclose: *one of the letter input elements includes only the letters E and F*. However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have provided such keys, because Blumberg teaches including vowels and consonants into one key so that fewer words have the incidence of the same code (col. 5, lines 25-40).

Regarding claim 66, which depends on claim 54, Blumberg discloses inputting text with keys that are assigned the letters “P, U”, and “R” (col.13, lines 4-20, 50-col.14, line 54, fig.9-10). Blumberg fails to explicitly disclose: *one of the letter input elements includes only the letters R and U*. However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have provided such keys, because Blumberg teaches including vowels and consonants into one key so that fewer words have the incidence of the same code (col. 5, lines 25-40).

Regarding claim 67, which depends on claim 54, Blumberg discloses inputting text with keys that are assigned the letters “P, U”, and “R” (col.13, lines 4-20, 50-col.14, line 54, fig.9-10).

Blumberg fails to explicitly disclose: *one of the letter input elements includes only the letters T and U*. However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have provided such keys, because Blumberg teaches including vowels and consonants into one key so that fewer words have the incidence of the same code (col. 5, lines 25-40).

Claim 68 is directed towards the method of claim 54, except that the keyboard has 10, not 13 input elements (taught by Blumberg's 14 key keyboard), and therefore is similarly rejected.

Allowable Subject Matter

13. Claims 58, 61-64, and 69-78 are allowed.

Response to Arguments

14. Applicant's arguments filed 11/20/2007 have been fully considered but they are moot. The Applicant is directed towards the rejections of the claims above as necessitated by a newly found prior art.

Conclusion

- I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Holden (Pat. # 4,655,621 A).
- II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 or 571 272-1000 (USA or Canada).


Any response to this Action should be mailed to:
Commissioner for Patents
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Or faxed to:

- (571)-273-8300 (for **all** Formal communications intended for entry)


CESAR PAULA
PRIMARY EXAMINER
12/7/2007